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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,316	06/15/2005	Jan Van Sinderen	NI 021368	2475
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NXP, B.V.			NGUYEN, DUC M	
NXP INTELLECTUAL PROPERTY DEPARTMENT			ART UNIT	PAPER NUMBER
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NOTIFICATION DATE		DELIVERY MODE		
10/06/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,316	<b>Applicant(s)</b> VAN SINDEREN ET AL.
	<b>Examiner</b> DUC M. NGUYEN	<b>Art Unit</b> 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 June 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 6 and 8 is/are allowed.

6) Claim(s) 1-5, 7, 10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/0256/06)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to applicant's response filed on 6/10/08. Claims 1-10 are now pending in the present application. **This action is made final.**

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the component that separates audio signal from the video signal must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5, 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claim 1 recites a limitation of "said at least one output signal of said mixer-circuit includes video-image data without audio data and wherein audio data is processed in a signal path that is separate from said at least one output signal of said mixer-circuit", This limitation was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

***Claim Rejections - 35 USC 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by **Ichihara** (US Pat. Number **7,206,360**).

Regarding claim 10, **Ichihara** discloses a mixer-system comprising a mixer-circuit with at least two mixers for frequency translating signals comprising audio/video information and comprising an amplitude detector (fig. 4, rectifier 51, 52) for making amplitude corrections (see Figs. 1-2, ref. 19) for at least one output signal of said mixer-circuit, wherein said amplitude corrections are made during said frequency translating (note for the **feedback** correction in Fig. 1) of said signals comprising audio/video information (see Figs. 1-4 and Abstract), wherein it would have been obvious to one skilled in the art that the receiver in **Ichihara** would be able to receive video information as well as audio information.

Therefore, the claimed limitations are made obvious by **Ichihara**.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Ichihara** (US Pat. Number **7,206,360**) in view of **Birleson** et al (US 6,177,964).

Regarding claim 1, the claim is rejected for the same reason as set forth in claim 10 above.

As to the newly added limitation of at least one output signal of said mixer-circuit includes video-image data without audio data and wherein audio data is processed in a signal path that is separate from said at least one output signal of said mixer-circuit, it is noted that when processing a video signal which comprises image data and audio data, one skilled in the art would recognize that these two components would be separated by a mixer (or frequency translating) in the similar way as disclosed by **Birleson** (see Fig. 1, regarding mixers 121, 122) so that each particular data would be outputted to its respective player (i.e, image data to a display, audio data to a speaker). Therefore, when receiving a video signal, the receiver in Ichihara would obviously separate the video signal to video image data and audio data as well. By doing so, the mixer for outputting the video image data would not include the audio data as claimed. Since one skilled in the art would recognize that the mixer in Ichihara would applicable and would work equally well to frequency translating a video signal to a video image data, it would have been obvious to one skilled in the art at the time the invention was made to modify Ichihara to provide the mixer to frequency translating a video signal to a video image data as claimed, in order to display the image data on a display.

Therefore, the claimed limitations are made obvious by **Ichihara** in view of **Birleson**.

Regarding claim 2, **Ichihara** would teach said amplitude detector comprises at least two inputs coupled to at least two outputs of said mixer-circuit and at least one output coupled to at least one control input of said mixer-circuit, with said mixer-circuit further comprising at least two amplifier-circuits coupled to said mixers for amplifying

mixer signals, with at least one of said amplifier-circuits being coupled to said control input for receiving a control signal for controlling a gain of said amplifier-circuit as claimed (see Figs. 1-2 and their related disclosure).

Regarding claim 3, **Ichihara** would teach said amplitude detector comprises at least two level detectors each comprising an output coupled to an input of an amplifier (see Figs. 1-2, 4 and their related disclosure).

Regarding claim 4, **Ichihara** would teach said mixer-system comprises at least one further amplitude detector per amplifier-circuit of which further amplitude detector at least one input is coupled to at least one output of said amplifier-circuit and of which further amplitude detector at least one output is coupled to said amplifier-circuit for controlling a gain of said amplifier-circuit for making common-mode corrections as claimed (see Figs. 1-2 and their related disclosure), wherein it would have been obvious to one skilled in the art to utilize a common mode as an alternative of design choice.

Regarding claim 5, **Ichihara** would teach said farther amplitude detector comprises at least two level detectors with inputs of said level detectors being coupled to outputs of said amplifier-circuit and with outputs of said level detectors being coupled to inputs of an amplifier as claimed (see Figs. 1-2 and their related disclosure).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable by **Ichihara** in view of **Birleson** and further in view of **Leenaert** (US Patent Number 6,999,745).

Regarding claim 7, the claim is rejected for the same reason as set forth in claim 2 above. However, Ichihara fails to teach a variable resistor for adjusting the gain of the

amplifier. However, **Leenaerts** teaches a variable amplifier wherein a variable resistor is used for adjusting the gain of the amplifier (see Fig. 2, col. 4, lines 50-60 regarding variable gain 30 and controllable resistor R). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize an adjustable resistor as claimed as an alternative of design choice (i.e, cost saving), for adjusting the gain of the variable amplifier.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable by **Ichihara** in view of **Birleson** and further in view of **Olson** (US Patent Number 7,050,778).

Regarding claim 9, the claim is rejected for the same reason as set forth in claim 1 above. In addition, since the use of a poly-phase filter coupled to a mixer is well known in the art as disclosed by **Olson** (see Fig. 13 regarding poly-phase filter 1318), it would have been obvious to one skilled in the art at the time the invention was made to utilize an adjustable resistor as claimed, for further improving the performance of the system (i.e, filter distortions caused by amplifier circuits).

#### ***Allowable Subject Matter***

9. Claims 6, 8 are allowed.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner  
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,  
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Nay Maung (Supervisor) whose telephone number is (571) 272-7882.

/Duc M. Nguyen/

Primary Examiner, Art Unit 2618

Sept 27, 2008